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SPEECH
OF
MR. POLK,
ON THE PROPOSITION
TO AMEND THE CONSTITUTION
OF THE UNITED STATES,
RESPECTING THE
Election of President and Vice President.
DELIVERED IN THE HOUSE OF REPRESENTATIVES
March 13, 1826.

THE following resolutions, proposed by Mr. McDUFFIE, being under consideration, in Committee of the Whole, viz :

“ *Resolved*, That, for the purpose of electing the President and Vice President of the United States, the Constitution ought to be amended in such manner as will prevent the election of the aforesaid officers from devolving on Congress.

Resolved, That a uniform system of voting by Districts ought to be established in all the States, the number of Districts in each State to equal the number of Senators and Representatives to which such State may be entitled in Congress, and each District having one vote.

Resolved, That a select committee be appointed, with instructions to prepare and report a joint resolution, embracing the aforesaid objects.”

Mr. POLK, of Tennessee, addressed the Committee of the whole House as follows :

Mr. CHAIRMAN : After the able and very interesting discussion, with which we have been favored upon the present occasion, but little remains to be said upon this important subject. And I should, sir, upon this, as I have done upon other occasions, have contented myself to have given a silent vote, but for the acknowledged

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importance of the great question upon which we now deliberate, and that I represent here a portion of the free People of this country. As their humble organ, I should be censurable, indeed, not to express their will upon a subject which is not local in its character, which does not affect, in the decision which we are called upon to make, any one State, or portion of this Union, to the exclusion of another; but upon a subject, in which the whole People of this mighty confederacy feel much concern. Yes, sir, said Mr. P. the proposed amendments to the Constitution, contained in the resolutions upon your table, involve, as it seems to me, a question of vast interest to the People of this country. They involve, sir, the question of their sovereignty. *That this is a Government based upon the will of the People; that all power emanates from them; and that a majority should rule*, are, as I conceive, vital principles in this Government, never to be sacrificed or abandoned, under any circumstances. In theory, all sound politicians admit the abstract propositions, that the People of this country are sovereign, that they are the source of power, and that, in a Representative Republic like this, the majority should rule, and the minority submit. These constitute the basis, upon which rest all your political institutions. But, in practice, how does their sovereignty operate in the election of the Chief Magistrate of the nation? Are the People, in fact, sovereign? Does the power that elevates this distinguished individual to this high station always emanate from them? Do a majority always prevail? The history of past events answers the question. The possibility, much less the increased probability, that it may be otherwise, under the present provisions of the Constitution, strongly urges the necessity of making some amendment whereby the desirable end may be attained, that the individual who is called to preside over the destinies of this nation may be the choice of a majority of its citizens. But here, sir, I am met at the threshold, by the argument of the gentleman from New York, (Mr. STORRS) and told, that it never was intended, by the framers of the Constitution, that the People should exercise the important function of electing the President and Vice President of the United States; that the popular principle, in relation to this election, was limited; that it was a mixed power, partaking of the popular and federative principles; that it was intended that there should be a great rallying point for the States, in the House of Representatives, when the primary electors should fail to make a choice, and when the contingency should

happen, that the election should devolve upon Congress. If the gentleman be right, in the proposition which he has assumed, I am free to admit that I have been wholly mistaken, and totally wrong, in my conceptions upon this subject. But, before I attempt to answer the argument of the gentleman, suffer me here, Mr. Chairman, to make this general remark. Almost every gentleman who has addressed the committee upon this occasion, (I believe I should not err, if I were to say all,) seem to have viewed this subject as though we were about to perform an ordinary act of legislation *under* the Constitution; as though we were about to enact an *electoral law*, to carry the provisions into effect; and not as though we were called upon, by the propositions now before us, to amend the *fundamental law* of the country—the *Constitution itself*. And, if the gentleman from New York was right in his premises, as to the intention of that bright galaxy of statesmen who composed the convention of '87—that framed the Constitution, (which I am far from believing, and cannot admit,) still I would maintain, that, after near forty years' experience of the practical operations of this Constitution, it was sound policy, and important to the stability, duration, and harmony of the Union; to amend the Constitution, and give this important power directly to the great body of the American People. But, sir, is the gentleman from New York right? Was it as he supposes, never intended that the People of the United States should elect the President? If, sir, I had no other argument to light up my mind to a correct conclusion upon this point, than those that are legitimately to be drawn from the Constitution itself, I should be amply sustained in the opinions I have formed. Is it reasonable that the People of the United States, who had but recently broken the chains of their slavery, and shaken off a foreign yoke—who were about to form for themselves a system, a free and republican system of Government—is it reasonable; I repeat it, sir, that they should have intended to disfranchise themselves in this important particular—the election of the first officer of the Republic? What, sir, is their language in the preamble of this Constitution? "*We, the People of the United States,*" &c. "*do ordain and establish this Constitution for the United States of America.*" But I will not fatigue the committee, by reiterating the able arguments of the honorable member from South Carolina, (Mr. DRAYTON) drawn from the Constitution itself, upon this part of the subject. It is fresh in the recollection of every gentleman, and proves satisfactorily and conclusively, to my

mind, that the framers of the Constitution contemplated and intended, that the People should be the electors of President and Vice President; that they viewed a recurrence of this election by the House of Representatives as a remote possibility, and one which would seldom, if ever occur. We are not, however, left to ferret out their intention by the letter, or by construction of the Constitution alone. Other evidences are within our reach. And here, sir, suffer me to say that, when I seek information upon great political questions like this, I choose rather to apply to those sages who participated in the deliberations of the convention whose work this Constitution is—I choose rather to be informed by the political writings and essays of able statesmen, who were their cotemporaries, than to rely—if we are to regard the statement of his colleague (Mr. CAMBRELENG)—upon the fluctuating and uncertain political notions of the gentleman from New York. What were the opinions of a distinguished member of that convention, as contained in the writings of the *Federalist*; so frequently referred to in the course of this debate; the opinions, too, of an individual who had no predilections for democracy—no partialities in favor of extensive powers, vested in the People—who had a strong bias in favor of aristocracy, and more energetic Government—who was said to have been even favorably disposed to limited monarchy.—what, sir, were the opinions of Alexander Hamilton? With all his anti-democratic principles, did he contend, in the numbers of the *Federalist*, written by himself, and designed, together with the numbers of his able coadjutors, (Mr. Madison and Mr. Jay,) to furnish to the American People a fair exposition of the new Constitution—written at that critical period, too, when this Constitution was suspended before the Conventions of the States, for ratification or rejection? Did he contend that the President was not to be elected by the People? No, sir! Whatever might have been his own individual opinion of what the Constitution *ought* to have been, he knew too well the intention of the Convention as to what it *was*. In the 68th No. of that work he says, it was desirable that the sense of the People should be ascertained in this important election; that, for this purpose, the election was not made to depend on any pre-existing or pre-established body of men, who might be tampered with, to prostitute their votes; but the choice was referred to an immediate act of the People of America, and that it was intended that the President should be independent of all others, but the

People, for his election. I have not the number to which I refer before me, but I state it substantially correct. In the Convention in Virginia, to whom this Constitution was submitted, for ratification or rejection, what were the opinions entertained by its distinguished members? Did *they* understand that the People were not to elect the President? No, sir. Governor *Randolph*, in answering an objection which had been made to this part of the Constitution—that foreign influence would operate in the election of the President, says—“The electors must be elected by the People at large. To procure his re-election, his influence must be co-extensive with the Continent; and there can be no combination between the electors, as they elect him on the same day, in every State. When this is the case, how can foreign influence or intrigue enter?” The late venerable President of the United States, (*Mr. Monroe*,) who has gone into retirement, and, I am sorry to say it, sir, in penury and want—for, whatever else may be said of him, it may be truly said, he was a faithful and useful public servant, in those trying times when his country realized the value of his services—he said, upon this occasion—“The President ought to act under the strongest impulses of rewards and punishments, which are the strongest incentives to human actions. There are two ways of securing this point. He ought to depend on the People of America, for his appointment and continuance in office. He ought, also, to be responsible, in an equal degree, to all the States, and to be tried by dispassionate judges. His responsibility ought, further, to be direct and immediate.” Mr. Mason, and Mr. Madison, too, who were distinguished members of the Convention of Virginia, do not seem to have understood this subject as the gentleman from New York professes to do. They maintained that “the choice of the People ought to be attended to.” But, at the period when this Constitution was presented to the States for ratification, it was an alarming crisis to the People of this country. The Articles of Confederation had proved inadequate to the great purposes of self-government. The question presented to the States was, ratification or rejection of the new Constitution. Rejection, and anarchy, and confusion, with despotism in their train, were most likely to be the consequences; and though some objections might have existed to the Constitution, in this particular, as possible, in a remote degree, yet, under the circumstances, ratification was better than rejection. At that period it was thought by the sages of

that day, distinguished for their talents and political sagacity—that it was barely possible that the election could devolve on Congress. They had fixed their eyes upon that distinguished man—“*the Father of his Country*,” as the first who was to fill this high office—an individual upon whom all united with one voice. They could not pierce the veil of futurity, and see the new system fully develop itself. What they could not anticipate or foresee, we have realized. Is there any gentleman here, with his past observation and experience, who will hazard the opinion, that this election will hereafter but seldom devolve upon Congress? Is there any gentleman here, who will deny, that, under existing circumstances, this important election, under the present provisions of the Constitution, must, in all probability, most generally, terminate in this House? If such must probably be the result, is not the intention of the Constitution, and of its framers, that the People should elect the President, defeated? If, by the unforeseen operations of the Constitution, the People have, in effect, been deprived of an important right, which they ought to possess and exercise, and which I maintain was intended to be given to them, are we not called upon, by the most solemn obligations, to restore it to them?

But, to consider this subject more systematically—the resolutions under consideration, naturally divide themselves into two distinct propositions: 1st. That the Constitution shall be so amended, that the election of President and Vice President, shall, in no event, devolve upon the respective Houses of Congress. And, 2d. That the Constitution shall be so amended, that each State in the Union shall be divided into as many districts as there are Senators and Representatives in Congress, from each respective State, and that each district shall give one vote.

In examining these two propositions, although distinct in themselves, I shall not view them as distinct and substantive propositions, unconnected with each other in their *effects and operations*, as some gentlemen have done. In the view which I take of this subject, they are intimately connected and blended together, in their effects; and it will be necessary to take this view of them, in order to appreciate, properly, the respective amendments which they propose.

In support of the first proposition, it will be necessary briefly to notice some of the defects of the present Constitution, and why it is that the election of this high officer should, in no event, devolve upon Con-

gress. The first reason which suggests itself to my mind, why it should not there devolve, is, that the President is not an officer of Congress; he is not an officer of the House of Representatives, but he is the Chief Magistrate of the whole People of the Union, and should be directly responsible to the People for his conduct in office, and be dependent upon them for his re-election. The surest guarantee that, in his administration, he will consult the interests of his constituents; and, to the extent of his ability, pursue a wise policy, is the certainty, that, at the expiration of his term, he must return again to the body of society, and submit his public conduct to the scrutiny of impartial examination; is the certainty that, if he has disregarded or negligently mistaken the best interests of the country, he will not be again elevated to that high station, but must seek the "post of honor in a private station;" must share with the body of his fellow-citizens their burdens, and must participate with them, the evil effects of his own policy. But if he is remotely responsible to the People, and dependent directly upon a select or pre-existing body of men for his appointment, it is human nature, and he will study more to conciliate his immediate Electors, than to advance the interest of the community. But, sir, the election ought, in no event, to devolve upon the House of Representatives, for a much more important reason, and one which, with me, is conclusive. It is, because a minority as well in the Electoral Colleges, under the present provisions of the Constitution, as a minority of Representatives in Congress, may elect him, and thereby destroy and overturn in practice what all admit in theory: that a majority should rule. According to the present provisions of the Constitution, there are as many electors for President and Vice President, as there are Senators and Representatives in Congress. By the last apportionment, which I shall take, as an example, for the purpose of illustrating the argument, the number of Electors is 261. A majority of the whole number of Electors is necessary to a choice in the primary Colleges; and if the Colleges of Electors fail to elect, then out of the three highest on the list of those voted for by the Electors, the House of Representatives, voting by States, is to choose the President. Suppose, for example, sir, that *A* and *B* are the prominent candidates before the People for the Presidency. *C* is likewise a candidate; *A* receives 120 Electoral votes, *B* receives an equal number, and *C* receives the remaining 21 votes; *C* may have been supported by one or two of the

States, or may have received the votes of a part of the People of some one of the larger States. *A*, *B*, and *C*, in this event, are presented to the House of Representatives, the three highest on the list of the Electoral votes, out of whom the House is to choose the President. An election, under these circumstances, takes place in the House, where the votes are taken by States; and *C*, who has received a small minority of Electoral votes, may be elected President of the United States by thirty-one Representatives, upon this floor, out of two hundred and thirteen, the whole number of Representatives; for thirty-one Representatives here, from the thirteen smaller States in the Union, have it in their power to control and to give the votes of thirteen States, and thereby elect the President against the will of the remaining one hundred and eighty-two Representatives, as is demonstrable thus—

	<i>No. of Rep's.</i>		<i>Rep's.</i>
Mississippi has	1,	a majority is	1
Illinois	1	do.	1
Missouri	1	do.	1
Delaware	1	do.	1
Rhode Island	2	do.	2
Alabama	3	do.	2
Louisiana	3	do.	2
Indiana	3	do.	2
Vermont	5	do.	3
New Hampshire	6	do.	4
Connecticut	6	do.	4
New Jersey	6	do.	4
Maine	7	do.	4
	<hr/> 45		<hr/> 31

Thus the whole number of Representatives upon this floor, from thirteen of the smaller States in the Union, is only forty-five. A majority of the representation from each State have it in their power to control, and give the vote of that State; and thirty-one Representatives here constitute the sum of the majorities of the delegations of thirteen States of the Union. Thus *C*, with only twenty-one Electoral votes, against the remaining two hundred and forty electoral votes, and with thirty-two Representatives, against the remaining one hundred and eighty-two Representatives, may be elected the President of the United States. But suppose a case still more extreme—it is certainly possible it may occur, and therefore I am justifiable in using it—suppose *C* re-

ceives but one solitary electoral vote, and the remaining two hundred and sixty are equally divided between *A* and *B*. In this event *C* is constitutionally presented to the House of Representatives as one of the three highest on the list. With but one single Electoral vote, thirty-one gentlemen upon this floor have it in their power to elect him the President of the United States. Will gentlemen say these are extreme cases, and will probably never occur? I answer, it is possible they may occur, and cases approximating to them, and the same in principle will, in all probability, often occur. But shall I be told that the Representatives of freemen will never be so lost to a sense of duty and responsibility to the People, as to disregard their will, and palm upon them a President not of their choice? Experience is the best of tutoresses, and from her we may learn many salutary lessons; I refer gentlemen to the memorable contest in the House of Representatives, of 1801, between the venerable Jefferson and Aaron Burr. The latter had not received a single vote in the contemplation of the People, or of the Electors, for the Presidency; the friends of the former for the Presidency had supported the latter for the Vice Presidency. Yet, having received an equal number of votes, the one evidently intended to be President, and the other Vice President, under the then provisions of the Constitution, it became necessary for the House of Representatives to determine, voting by States, which of them should be President. With all these facts staring them in the face, a portion of the Representatives of the People at that day, were not so scrupulous of violating the People's will, as to surrender, without a struggle, the Chief Magistracy to the man of their choice. No, sir, a doubtful issue ensued, when the sable curtains of the night were drawn around, midnight balloting after balloting followed; this mighty confederacy was shaken to its centre; for days the result was suspended. Fortunately, the American People in that struggle ultimately prevailed; a victory of principle and of the People was obtained; a majority still ruled. And who can tell, sir, what might have been the consequences, if it had terminated otherwise? I shudder to contemplate what might have been the fate of this happy country. But I shall not fatigue the Committee, by indulging in conjecture upon this unpleasant subject. I have referred gentlemen to this part of our history to show, that if, in that case, the contest was rendered doubtful for a season, where the individual had not, in contemplation of the People, received a single vote for

the Presidency; that it may occur, under the present provisions of the Constitution, where an individual may have received a very small number of Electoral votes, as in the cases I have supposed.

It may happen, sir, that a minority may thus elect the President, when the election devolves upon this House, from personal partialities to the individual elected, and thus palm upon the Nation a President evidently not the choice of a majority of the People of the United States; not the choice of the immediate constituents of those gentlemen, upon this floor, who may elect him; and not the choice of a majority of the Representatives in Congress. It may happen, sir, that the first choice of the Representative here, holding in his hands the power of controlling the vote of his State, may not be returned to the House as one of the three highest upon the list. The second choice of the Representative may be essentially different from the second choice of his constituents, if the election were again referred back to them. The Representative may be ignorant of the will of his constituents, or if he know their will, he may affect ignorance of it. But the doctrine is maintained by some politicians in this country, and I appeal to your experience to know, sir, whether it has not been openly avowed upon this floor, that there is no connexion between the Representative here, and his constituents at home; that the Representative here is not bound to regard or obey the instructions of those who send him here; that, in the election of a President, when it shall devolve upon this House, he is, by the Constitution, made the umpire to decide it; and though his constituents might be in a body knocking at the door of this Hall, and proclaiming to their Representative, upon this floor, from the galleries, "our will is thus and thus; you are our agent, delegated by us to execute our will, and it is our will that the vote of the State which you hold in your hand, should be given to the individual of our choice;" yet the Representative, entertaining the opinion that his constituents have no right to interfere or instruct him upon this subject, disregards their voice, and exercises his own arbitrary will in disposing of the vote of his State. I must confess, sir, that for myself I have never entertained such opinions, but believe, upon all questions of expediency, that the Representative is bound to regard and obey the known will of his constituent. Other gentlemen, however, entertain different opinions; and when such opinions are entertained and openly avowed, what security have the People that their rights will be

preserved, when the preservation of them depends upon the accidental, interested, or capricious will of their public servants? Thus the President may be elected by a minority of the Representatives in Congress, who may be of opinion that they have conscientiously discharged their public duty.

But is there no danger, sir, when the election of the first officer of the first Nation in the World is to be made by a select and pre-existing body of men, that even the Representatives of freemen may, in an evil hour, be tempted to depart from the path of duty, receive the wages of iniquity, and prostrate at the shrine of some ambitious aspirant to the Presidency, the public will, and with it the best interests of the country? Shall we assume to ourselves the high prerogative of being uncontaminated and incorruptible, when the same attributes are denied to all the rest of mankind? Is immaculate purity to be found within these walls, and in no other corner of the earth? Have you not yourselves, sir, in your legislation in relation to this very subject—the election of a President—given incontestible evidence that you are distrustful of human nature? Why is it, that by the act of Congress of 1792, designed as it was to carry into effect that part of the constitution in relation to the election of a President, you provide that the Electors in each State shall be elected within the thirty-four days immediately preceding the first Wednesday in December, in every fourth year, the day upon which the Electors, throughout the Union, are required to give their votes? Why this short intervening period between the choice of the Electors, and the day upon which they shall give their votes? It was a wise provision, made to prevent the possibility of tampering with them—to prevent intrigue, corruption, bargaining, and sale—to prevent the interference of political jugglers; and to keep pure the stream as was the fountain, the People, from which it flowed. So particular have you been upon this subject, and so cautious to preserve the purity of the Electors, that you have given them but a short and transitory existence; and if any one of them should be elected more than thirty-four days before the day upon which he is required to vote, the presumption of your law is against him, and his vote will not be received. But is not the House of Representatives likewise a pre-existing body of men? Are they not collected together at one point for weeks together, between the period when it is ascertained that the primary Electors have failed to make a choice, and the day upon

which they are called upon to vote? Is it not as probable, to say the least of it, that they may be tampered with to prostitute their votes, and that they may be corrupted, as that twenty-four separate Electoral Colleges, dispersed over the twenty-four States of the Union, might be? In the one case you have been distrustful, and have provided against the possibility of undue influence of any kind, so as to thwart the public will. In relation to the Electoral Colleges you have adopted, by your laws, the salutary maxim "lead us not into temptation." Would it not be quite as safe to adopt it in relation to ourselves? Is there any thing inauspicious to corruption, intrigue, and management, in your locality? Where are you situated? Within the limits of the same City where the President, in office, is, and who may be a candidate for re-election—where all the other candidates may be, and where their respective friends and partisans will be. Is your situation here less exposed than that of the Electoral Colleges?

But we are told by the honorable gentleman from New York, (Mr. STORRS,) that, for the honor of this House, a suspicion should not be indulged that its members could be corrupted. Let it not be told, says he, at the court of St. James, or upon the continent of Europe, that even suspicion had been openly entertained upon the floor of the American Congress, that any of its members were corruptible. And the gentleman from Massachusetts, too, (Mr. EVERETT,) denies in broad terms the corruptibility of this House. Sir, it is a humiliating idea, a painful thought I admit, that the representatives of freemen could, under any circumstances, barter away or disregard the rights of the People for their own individual aggrandizement. But human nature is the same in all ages of the world. All past history has shown that it is unsafe to rely upon virtue alone when strong temptations are presented. And what stronger temptation to corruption and the abandonment of principle than the Presidency, can be held out to an ambitious man aspiring to that high office? The President of the United States, when elected, has an immense patronage to bestow; has many honorable and lucrative offices in his gift. And what stronger temptation than to receive the patronage in his power, can be held out to the few assembled here who have it in their power to elect him? I apprehend, sir, if this election shall frequently devolve upon Congress, that a door will be opened to corruption, intrigue, and to office hunters; and I apprehend further, that through that door the

evil doer may one day enter and sap the foundations of this happy Republic. Other countries have been revolutionized and involved in anarchy and confusion, upon whose ruins despotism has erected her throne. I hope, sir, my apprehensions may be unfounded; but surely it is prudent in us to take warning from their example, and close the door through which unprincipled men may enter, and obtain an advantage. Surely there is as much virtue in the People—surely it is as safe to permit them to be the electors of their Chief Magistrate as to arrogate it to ourselves. But, sir, as to the corruptibility of this House, which is denied by the honorable member from Massachusetts, (Mr. EVERETT.) That honorable gentleman not only denies the existence of corruption in this House, but he goes further, and denies the corruptibility of its members. Will that honorable gentleman tell me what charter of exemption *we* have from the frailties of human nature? Will he tell me through what purifying crucible we have passed when we take our seats upon this floor? Until he shall do so, I shall believe that human nature is the same here that it is elsewhere. And from my earliest infancy I have been taught to believe, that, from the fall of our first great parent until the present hour, man has been depraved, frail, and impure. I do not contend that he is naturally more so here than he is in other situations; but I contend he is as much so, and that he is more exposed to temptation here than in ordinary situations. But, says the gentleman from New York, (Mr. STORRS,) if men in power may, by wielding their patronage, by favoring and flattering, bribe or corrupt us, may we not by the same means bribe and corrupt the People? How sophistical! Corrupt the People! No, sir; the great body of the People are of necessity virtuous, because it is their interest to be so; you cannot extend patronage to all; you cannot corrupt all; a select body of men you may. But, says the gentleman from New York, if the members of this House are corrupt, is not the corrective at hand? Do they not return to the body of the People, in less than thirty days after a Presidential election takes place in this House? And if they have acted incorrectly, or disobeyed the will of their constituents, will not the People signify their disapprobation at the polls at the next election, and turn them out of their service? Sir, the evil deed may be committed, and the perpetrator of it may receive the reward for his perfidy and his crime, in being elevated to some high station, beyond the reach of an indignant, insulted, and an injured community

Yes, sir, he may be elevated, too, by the individual whom he has assisted to place in the Presidential chair, and may never again return, or put himself in the power of his constituents so as to receive the sovereign remedy of the gentleman from New York at the polls of the next election. His constituents may frown upon his conduct and reprobate his course; he is elevated above them; he looks down upon them with contempt, and sneers at their discontent; and yet this is the sovereign corrective of the gentleman, and will, as he conceives, ensure purity in this Hall. That gentleman should remember, too, that, in many of the States of the Union, the Congressional elections, for the next Congress, have transpired some twelve or eighteen months before the Presidential election; the member is either defeated by a more favored citizen of his district, who is to supply the place here, and his direct and immediate responsibility to the People is destroyed; or he has been previously elected, and is assured that he will at least hold his seat here, if he desire it, for another term. If he has been defeated at home, he seeks elevation and promotion elsewhere; if he has been successful at home, he hopes his good constituents may forget his political sin before the next election; if he should still desire to hold the seat, he hopes, by the assistance of Executive influence, he may effect some local measure that may reconcile his constituents, or balance in their estimation the evil deed he has committed. That gentleman, too, pronounces it a cold blooded judgment to entertain a suspicion that corruption can enter here. Sir, we should not be so sensitive upon this subject as to shut out from our eyes all past experience—"The purest gold has some alloy; the great Sun of day has his spots; and among the chosen disciples of our Lord there was a Judas." And in pronouncing this judgment, cold-blooded as it may seem to the gentleman, we are only recording the history of human nature as it is, and ever has been from that fatal hour when man came under the curse of a violated law. Another argument, Mr. Chairman, of the gentleman from New York, struck me with peculiar force. If, says he, this Government is ever destroyed, it will not be by men in power, but by men out of power. And the gentleman from Massachusetts, (Mr. EVERETT,) who succeeded him, used a similar argument, and told us that, if the Government was ever destroyed, it would not be by a President elected by a minority of the People, but by a President elected by an overwhelming majority of the People: by some "*military chieftain*," that should arise

in the land. Yes, sir, by some "*military chieftain*," whose only crime it was to have served his country faithfully at a period when that country needed and realized the value of his services. I know, sir, there are some politicians in this country who are continually in alarm, or affect to be so, lest the People should destroy the Government. And I know, sir, there are others, and I am bold to say I am of the number, who are of opinion that, if this happy Government is ever destroyed, which God forbid, it will be by the encroachments and abuse of power, and by the alluring and corrupting influence of Executive patronage. Rely upon it, sir, that if you should ever see an Administration of this country, whose elevation, whose measures, and whose policy are not supported by the good feelings and opinions of the People, there will be more danger, infinitely more danger to be apprehended from them, than all the ideal dangers which the gentlemen seem to apprehend are covertly lurking among the great body of the People of this Union.

To what inevitable conclusion does the argument of the gentleman from Massachusetts lead? If the President, according to his argument, is elected by a majority of the People, he is a dangerous President; if elected by a minority of the People, the irresistible inference is, that he will not be a dangerous President. And, according to his argument, I suppose it would be dangerous, for a majority of the People to elect the President. Sir, this is a doctrine which may be congenial to the feelings and opinions of some gentlemen; but I must confess, that I am far, very far, from being prepared to adopt it as one of the rules of my political faith. I hold the converse of the gentleman's propositions. We are at issue on these points, and the committee will decide between us. Another reason why the election of President should not devolve upon this House is, that Members of Congress should not only be virtuous and pure, but, like Cæsar's wife, above suspicion. Next to doing right is to inspire public confidence and give public satisfaction. Whenever this election shall come here, are not the most virtuous and correct, subject to dark suspicions and unkind reflections? If some act incorrectly or corruptly, is it not calculated to affect the reputation of all who may necessarily be associated with them, however correct their course may be? and is not the inevitable tendency to impair public confidence, and to destroy the harmonious operation of the Government?

I shall not, said Mr. P., dwell upon another argument, which has been very properly used by some gentlemen in the course of this debate; that, when the election comes to this House, it is calculated to interfere with, and impede the ordinary business of legislation. It has not been my fortune to witness the effects of an election here; this is the first time I have had the honor to be a humble Representative of a portion of this People upon this floor. I could wish upon this great occasion upon which we deliberate, that they were more ably represented. But though, Sir, I have not witnessed the scene, I have read of its effects, upon two occasions, in the history of my country, and can well conceive that members of Congress will be too apt to neglect all the important subjects of legislation, in devising plans, intriguing, and managing, to promote the success of their favorite candidate. If there should be no corruption, still it is calculated to distract their deliberations.— It will produce excitement; arouse all the angry feelings of our nature; create heart-burnings, party feelings, and sectional jealousies, detrimental to the public welfare, and dangerous to the duration and stability of the Government. The effects produced will not, probably, terminate with the election itself, but will mingle and be felt in your deliberations for years afterwards.

But, Sir, after all that can be said upon this subject, it resolves itself into this at last; and I wish gentlemen distinctly to answer me the question. Are we prepared to hold out to the People, the *ignus fatuus* of popular elections; to tell them they are sovereign and shall elect the President, and, at the same time, by the operations of your present constitution, put it virtually out of their power to do so; unless, indeed, by a combination of the large States, as I shall presently attempt to show, by literally immolating large masses of their citizens and destroying their weight in the election, and thereby enabling an inconsiderable portion of the People of the Union, by presenting a solid front, and impressing into their service their respective minorities, to elect the President in the primary colleges; and in this event, as I shall attempt to show, the remedy is almost as bad as the disease. — Shall we any longer hold out the delusion to the People, that they are the electors of the President, when in practice they have ordinarily only, the power of nomination? They may indeed, nominate three individuals to the House of Representatives, but they do not choose the President; that important power devolves upon their Representatives in Congress, a power which they

are competent to exercise themselves. Judging from our past experience upon this subject, what will probably be the result of future elections of this distinguished officer? Much of the larger portion of that long list of worthies who personated the drama of the American Revolution, have past from the stage of action, and are numbered with "the years beyond the flood."

We can no longer, as our fathers did, contemplate the immortal father of his country upon whom all united in elevating to this high station; nor can we call into our service the immortal author of the Declaration of Independence. A new generation are about to assume the places of their fathers; many are the aspirants to this high station; public opinion is divided, and cannot in future be often concentrated on any one individual.—Under these circumstances it is idle to suppose that this election can be prevented from terminating ultimately in the House of Representatives. That it will often devolve here cannot be doubted; that it should not do so, I have attempted, and I hope satisfactorily shown.

There are some of the objections to the Constitution in its present form, and some of the reasons which have presented themselves most forcibly to my mind why the election of President and Vice President should in no event devolve upon Congress.

I come now, said Mr. POLK, briefly to consider the second resolution submitted to the consideration of the Committee, by the honorable gentleman (Mr. McDUFFIE) from South Carolina, which proposes that each State in the Union shall be divided into as many districts as there are Senators and Representatives in Congress from such State.

The object of this proposition is to give to the People of every section of the Union, as near as may be, consistently with important rights reserved to the States, which are not proposed to be disturbed, their equal relative weight in the election. To do this, the public sentiment should be fairly ascertained—and in order to obtain a fair expression of the popular will, it is a self-evident proposition to my mind, that some uniform mode of collecting the public sentiment should be established throughout the Union. Under the present provisions of the Constitution, and the practice under them, according to the various and diversified modes of election, prescribed by the respective State Legislatures, do the People, in every section of the Union, in fact possess and exercise their equal relative weight in the election? Is the public sentiment of the whole People of the

Union correctly ascertained? No, sir! It is demonstrable, if an election be made at all by the Electoral Colleges without involving the national calamity (for such I view it) of a recurrence to the House of Representatives, a little more than a fourth of the People of the United States may choose the President. If I succeed in establishing this fact, the necessity for uniformity, and amendment will, as I conceive, be apparent, if we hold to the principle that a majority should rule. What are the various modes of election at present established in the States? In some, the district system prevails; in others, the Legislatures have assumed to themselves the power of appointing electors; and in one State in the Union, (Kentucky) a compound of the district and general ticket system is the mode prescribed by the Legislature. The State being entitled to fourteen electors, is divided into three districts, in one of which four electors are chosen, and five in each of the other two districts. I shall not here stop to inquire why this artificial arrangement of districts in that State was made; whether it was made upon an emergency, and designed to throw majorities in each district in favor of a particular party, or of particular men, is wholly immaterial to the present inquiry. In this state of things, a bare majority of the People of the six larger States in the Union may, by adopting the general ticket system, the Gerrymandering system, or by assuming the election to the Legislatures, elect the President, though a respectable minority, and very nearly half of the People of those six States, and the whole of the People of the eighteen remaining States, may be in favor of some other candidate. For example:—

	Electors.		Electors.
New York has	36	A majority is	19
Pennsylvania	28	- - -	15
Virginia	24	- - -	13
Ohio	16	- - -	9
Massachusetts	15	- - -	8
Kentucky	14	- - -	8
	<hr/>		<hr/>
	133		72
	72		
	<hr/>		
	61		

Thus, sir, in these six States, there are 133 electoral votes, a majority of the whole number in the Union, and sufficient, if united, to elect the President in the primary colleges.

But the People in those six States are divided in opinion, and very nearly equipoised as to numbers, between two contending candidates A and B, for the Presidency. But A has small majorities over B, in each of those States. If the district system were established, the friends of A could give him 72 electoral votes, and the friends of B could give him 61 electoral votes. B, too, in the case supposed, might be supported by the remaining eighteen States, or by such majorities of them as, when added to his 61 votes, would be sufficient to elect him. But by compressing the friends of B in those six States, into the support of A by the effect of the general ticket system, or by elections made by the Legislatures; by literally suppressing the voice of the minorities, in each of those six States favorable to the election of B; by denying to almost half the population of those States the right of suffrage, or of being heard in the election—you, in truth, enable a minority of the People of this Union, amounting to but little more than the fourth of the whole population, to elect the President against the will of all the rest of the People of the Union, amounting to almost three-fourths of our whole population. But will it be said, that this likewise is an extreme case, and will probably never occur? I answer it is possible it may occur, and cases approximating to it, and the same in principle, if the election is kept from the House of Representatives, in all probability will occur.

This, then, is our dilemma. Under the present provisions of the Constitution, either a minority of the the whole people of the Union, by a combination of the large States, must elect the President, or we must submit to the national calamity of an election in the House of Representatives. Which shall we choose? Neither is compatible with the genius of our free institutions, or the sovereignty of the People. And here will the larger States object to the district system, and say, we cannot part with the advantage which we now have, of moving in a solid, unbroken phalanx, and giving to our favorite candidate an undivided electoral vote, by suppressing the voice of the minority in the State, by means of the general ticket system, or elections by the Legislatures? I answer that the larger States will receive an ample equivalent for this surrender, in the certainty that the election can never devolve upon the House as Representatives, where, voting by States, a minority, of I have attempted to show, and I hope successfully, may elect.

Will the smaller States object to that part of the resolutions now under consideration, which proposes so to amend the Constitution as that the election shall in no event devolve upon Congress, and say, we cannot part with the advantage which we have of voting by States, when the election shall devolve upon the House of Representatives, and whereby we, though a minority, may have it in our power to elect the President? I answer, that the smaller States will receive an ample equivalent for this surrender, in the certainty that the larger States cannot combine and move in an unbroken body in the electoral colleges, and thereby enable a minority of the People of the Union, by suppressing the voice of their respective minorities in the large States, to elect the President, as I have attempted to show, and I hope successfully, they might do. The resolutions, then, viewed together, and not as substantive and distinct propositions, in relation to their effects and operations, propose a compromise to the larger and smaller States, that they should meet upon middle ground, and surrender the advantages which the one or the other might possess in certain contingencies, each receiving a mutual consideration from the other for the surrender thus made. It is a surrender of advantages, too, which neither should wish to retain; a surrender made not to each other, but to principle, upon the altar of their common country.

But, will the larger States object and say, though uniformity in the mode of election be important and desirable, in order to obtain a fair expression of the public will, yet we cannot agree that that mode shall be the district system? We prefer that the general ticket system should be the mode established in all the States, or we prefer that the choice of electors should be made by the Legislatures in all the States, and that the one or the other of these modes should be uniform throughout the Union. I answer, by neither of these modes can the evil complained of be remedied. If the general ticket system be the uniform mode established, the larger States would still retain their present power. If the Legislatures in all the States choose the electors, the larger States would still retain their present power. And, by either of these modes, the predominant party or faction in power, in each State, by suppressing the voice of the minority, may move in a solid front, and elect the President. If it be contended that this is an advantage which all the States would equally possess, the idea is a mistaken one. Such is the difference in

the size, and quantum of population, in the several States, that a minority, whose voice is totally suppressed in the election in one of the larger States, may be as great—nay, more than five times as great—as the whole population of one of the smaller States. To illustrate this, take, for example, the States of New York and Delaware, one of the largest and one of the smallest States in the Union. Suppose New York to be divided in opinion between two candidates, in an impending Presidential election, in the proportion of 19 to 17 of her 36 electors. If the district system prevailed, one of the candidates would receive 19 electoral votes, and the other the remaining 17 electoral votes. But, by establishing the general ticket system in New York, a large minority, and very nearly half of her citizens, who would be entitled by the district system to give 17 electoral votes, are literally destroyed, and impressed into the service of the majority. In Delaware, the whole population can give only three electoral votes. Thus, the minority in New York, whose voice is totally suppressed in the election, would be more than five times as great as the whole population of Delaware. But suppose Delaware likewise to be divided in opinion in the proportion of one to two of her three electors. By the district system, Delaware would give two votes to one candidate for the Presidency, and one to the other. Establish the general ticket system in Delaware, and her three votes will be given to one candidate, thereby suppressing the voice of a minority of that State, who, by the district system, would be entitled to give one vote. One vote of the minority, then, by the general ticket system, is suppressed in Delaware. But in New York, by the same system, seventeen votes are suppressed. Thus the minority in New York, whose voice is suppressed by the general ticket system, is seventeen times as great as the minority in Delaware, whose voice is suppressed by the same system. Thus, sir, it is seen what great inequality would be produced in the election of a President by establishing the general ticket system as the uniform mode in all the States. The same result would happen by establishing the mode of electing by the Legislatures as the uniform mode in all the States. The great excellence of the district system is, that each district throughout the Union would contain very nearly the same quantum of population, would be composed of contiguous territory, and would be very nearly of the same size; and each district would be entitled to give one vote. And if, sir, minorities should be found to

exist, in a Presidential election, in each district, as they may, is it probable that there will be such a disparity, such a disproportion between the respective minorities of adjoining or different districts, where all are of the same size, as would exist between the minorities of different States, differing as they do in size, some containing more than thirty times as great a population as others; and, when, by the general system, each State would compose one district? I was amused, sir, but not convinced, by the argument of the gentleman from Virginia, (Mr. STEVENSON,) the object of which was to show the superiority of the general ticket system over all others, and that minorities, in the district system would prevail. That honorable gentleman adduced, as an apt example, in illustration of his argument, an occurrence, which he says took place in one of the districts of Maryland, in the late Presidential election. In one of the districts in that State, he says there were a majority of the People in favor of the election of Mr. Adams; that there were two candidates for elector favorable to that gentleman, and one in favor of General Jackson; that, in consequence of a division of the friends of the former, between the two candidates for elector, neither of whom would decline in favor of the other, the elector, friendly to the latter, received a plurality of votes of the district, and was elected. Now, sir, what the facts were, in relation to that particular district, adduced as an example, I am not particularly informed; but, I understand it became more a contest between distinguished individuals, who were opposing candidates for elector, and who had, respectively, many personal friends, than a contest between the candidates for the Presidency themselves, and is, therefore, no test of the real sentiments of the People of that district, and no conclusive illustration of the gentleman's argument. But, sir, if it were, I have it in my power to furnish that honorable gentleman with a fair rebutter, which occurred in that election, by the operations of his favorite—the general ticket system. The State of Ohio voted by general ticket. Did the gentleman who received the undivided electoral vote of that State, in fact receive the support, even of the majority of the People of Ohio? No sir, supported as he was, by a very small number of votes over one of his competitors, and if all the returns had been correctly received, it is very doubtful whether he obtained even a plurality over him. Yet, sir, he received, in the electoral colleges, the whole vote of the State of Ohio, against the sentiments

of a considerable majority of the People of that State; and yet, sir, this, I suppose, constitutes the excellence of the general ticket system, in the estimation of the gentleman from Virginia. The individual, too, whom the gentleman conceives was, by the operation of the district system, deprived of an electoral vote in one of the districts of Maryland—yes, sir, the same individual who had received the smallest number of the votes of the People of Ohio, when the election ultimately devolved upon this House, received the vote of that State. But, sir, I concur in opinion with the gentleman from Louisiana, (Mr. LIVINGSTON,) who, a few days ago, submitted a resolution, proposing to dispense with the electors altogether. The People require no such agency. I believe them to be wholly unnecessary. Dispense with them altogether; let the People vote directly for the President, without their intervention, and the objection to the district system, as in the case in Maryland, which has presented itself so forcibly to the mind of the gentleman from Virginia, will be removed. When the People vote directly for the President, there can be no division between contending candidates for elector, in favor of the same candidate, and the majority of the People of each district can control and give the vote of that district. Another advantage of the district system is, that the sentiment of each mass of the community, throughout the Union, composing a district, is fairly elicited, and made to have its due and proportional weight in the general collected sentiment of all the districts in the Union. The sentiment of no portion of the Union is suppressed. All are heard, and have their proper weight in determining the election. I do not design, Mr. Chairman, (said Mr. P.) to embarrass this discussion, by entering into details. If the great principles contemplated by the resolutions on the table, are retained, details are comparatively unimportant, and a spirit of compromise and accommodation of opinion should prevail, in relation to them. I shall, therefore, merely suggest to the consideration of the Committee, the plan which has presented itself to my mind, as preferable to any other, and leave it to them to determine how far it will afford a remedy for existing evils. It is in substance this: Each State shall be divided, by the Legislature thereof, into as many districts, composed of contiguous territory, and containing, as near as may be, an equal quantum of population, as shall be equal to the whole number of Senators and Representatives in Congress from that State. The People of each district shall

vote directly for the President and Vice President, without the intervention of electors. The person, in each district, who may have received the highest number of votes for President, shall be holden to have received one vote; and the person who may have received the highest number of votes for Vice President, shall be holden to have received one vote. And if it shall be ascertained that no person has received a majority of the whole number of districts in the Union, let the election be referred back to the People, who, upon the second balloting, shall, in like manner, vote for one of the two highest upon the list of the former balloting for President, and so of the Vice President. The details of this general outline of a system, to embrace the objects contemplated by the resolutions, can be easily drawn, so as to render it practicable, and easy to effect the choice in this way. But, if other gentlemen can suggest a more acceptable plan, in its details, not varying the general principles, I am not wedded to this, and have merely suggested it, lest it might be said, by some, that, however great the objections may be, to the present provisions of the Constitution, it would be impracticable to adopt any mode by which the evil could be remedied. Neither shall I, Mr. Chairman, detain the Committee by enumerating, in addition to those I have mentioned, many other objections to the general ticket system, or to the appointment of electors by the Legislatures. It would be unnecessary for me to do so, after the able exposition of the honorable mover of those resolutions, (Mr. McDUFFIE,) in the opening of this debate, upon this part of the subject. Some other objections, however, have been made to the plan of amendment proposed, in the course of the discussion, which demand to be noticed.

The honorable gentleman from New York (Mr. STORRS,) has been more abundant in objections to the proposed plan of amendment than any other gentleman who has addressed the Committee; and though I am aware, sir, when I approach an argument of that gentleman, I encounter an old and experienced politician, hackneyed in debate, yet differing with him in opinion, as it is my misfortune to do, in almost every view he has taken of this subject, I will boldly meet him, and avow the reasons of that difference. That gentleman tells us, with a warning voice, that when we approach this Constitution we stand upon holy ground; that when we attempt to amend it, we lay violent hands upon this immortal work of our ancestors. He tells us he entertains

great reverence for that instrument; that he would not disturb one principle which it contains; and, in the same strain in which he thus addresses us, he informs us that there is an insuperable objection to the plan of amendment proposed, because a portion of a certain description of population, negro slaves, in the Southern and Western States, will be represented in this election. Now, sir, by the present Constitution, for which the gentleman professes such great reverence, and would not alter or amend it in any particular, three-fifths of this population are represented in the election. By the proposed amendment, they are only represented. The amendment does not propose to disturb this principle, but leaves it precisely upon the ground where it is placed by the present Constitution. So that it was wholly unavailable, and I must say unnecessary, to bring up this question in order to ascertain the comparative merits of the present Constitution, and the proposed amendment. I have regretted exceedingly, sir, that scarcely any subject of general concern can be agitated here, without having this unfortunate subject of slavery, either collaterally, or incidentally, brought into view, and made to mingle in our deliberations. It is a subject of peculiar delicacy, but as it has been noticed upon this occasion, not only by the gentleman from New York, but likewise by the gentleman from Massachusetts, (Mr. EVERETT) and the gentleman from Connecticut, (Mr. INGERSOLL,) suffer me to say a word or two in reply. When this Country became free and independent, this species of population was found amongst us. It had been entailed upon us by our ancestors, and was viewed as a common evil; not confined to the locality where it was, but affecting the whole Nation. Some of the States which then possessed it, have since gotten clear of it: they were a species of property that differed from all others: they were rational; they were human beings. In fixing the principles of representation, it was thought right by the framers of the Constitution, that they should at least be in part represented. And accordingly, three-fifths of them are to be represented; but, at the same time that they are to be represented, this provision is incorporated into the Constitution: "Representatives and direct taxes shall be apportioned amongst the several States which may be included within this Union according to their respective numbers." If they are to be represented then, direct taxes are to be paid according to that representation, whenever the emergencies of the Government require it. And when the dark cloud of war ho-

vers in your horizon—when a foreign foe invades your country—when your finances are deranged—when money, in the estimation of some the sinews of war, must be raised—when, in order to raise it, direct taxation must be resorted to—and when, sir, conventions are held, in some sections of the Union, to thwart the operations of the Government, and for purposes best known to their members—when the militia in other sections of the Union, are withheld from the public service—do our neighbors commiserate our condition; do they sympathize with us, and say, we are oppressed with unnecessary burthens because we are required to pay taxes for this species of population? No, sir, it is all right then. Do we complain, sir, that we are thus required to pay taxes for them? No, sir, we do it cheerfully, and without a murmur. I hope, therefore, that this unpleasant subject, not involved in the remotest degree, in the great questions under consideration, may be suffered to rest. I should not have noticed it, if it had not been frequently adverted to by gentlemen who have preceded me. I hope, sir, I shall be pardoned for the digression.

Another argument of the gentleman from New York is, that, in all elections, the minority have no rights, and must submit; that in an election by his favorite system—the general ticket—the minority of a State have no rights, and must submit; and he instances the election of a Governor of a State by the People of the State, in which case, he says, the minority have no rights, and must submit. Sir, the abstract proposition that a majority shall prevail, and a minority submit, is not controverted; but the analogy of the gentleman is an unfortunate one; all reasoning from analogy is dangerous, and apt to lead into error. A case more analogous to the question we are now considering, would have been, that the Governor of a State, elected by the People, does not receive the unanimous and undivided vote of every county in which he happens to receive a majority.

Another argument I shall briefly notice. The gentleman thinks that, by the general ticket system, his old friend in former days, the *Caucus*, would be much easier crushed and put down, at the centre of the State, than thirty-six caucuses, scattered over thirty-six districts, in the State. Sir, upon the subject of caucuses, I know, an honest difference of opinion exists. For myself, I have never entertained but one opinion upon this subject. I had the honor, in the Legislature of my own State, to record my vote in support of those resolutions against a caucus, which produced so much excitement,

and led to so much discussion, in the public journals of the country, some two or three years ago. I have seen no reason to change that opinion. I cannot subscribe to the doctrine of the gentleman from Va., (Mr. Archer) that there must be, in every State, some leading politicians, who control and dictate, and give tone to public sentiment. I believe that the People, if left untrammelled by this complicated machinery of a caucus, are competent to act for themselves; but, at the same time that I entertain these opinions, I do not proscribe others who entertain different ones. But I shall not here, be led into a general discussion of this subject. But, if the object of the gentleman from New York be *really* to put down caucusing, he should remember that a caucus can only operate efficiently in an extended sphere; in the general ticket system, it can be used, and used to effect; but divide the State into districts, and district caucuses cannot exist, or, if they do, cannot produce effect; the body upon whom they are intended to operate is too much circumscribed, and too few in numbers, to apprehend any danger from them.

But, sir, another objection, made not only by the gentleman from New York, but by others who have engaged in this discussion, is one very important in its character, and should be maturely considered. It is, that the plan of amendment proposed, interferes with State rights, and tends to consolidation of the People of the Union. Sir, no man deprecates more than I do, any violation of rights, secured to the States by the Federal Constitution; no gentleman upon this floor will, upon all occasions, more pertinaciously guard against the yawning gulph of consolidation: and, if I could foresee or apprehend that the plan of amendment proposed, would have any such tendency, with all my convictions of its importance, I should pause and hesitate before I acted. I would in no instance, knowingly, have an agency in producing such effects. But, sir, I can see no such danger; I can discover no such tendency; and the arguments of the gentleman, to which I have attended with great interest, have not convinced me. Sir, I was so unfortunate as not to comprehend the conclusiveness or force of the arguments of the gentleman from New York, when he said, that the district system would melt down the States into a common mass of fragments, and consolidate the People of the Union. Sir, the district system has, to my mind, a directly contrary, a diffusing tendency. Sir, the arguments of the honorable gentleman from South Carolina, (Mr. McDuffie) upon this part of the subject, has

not been met in debate ; it has not been approached in a fair, open, and statesmanlike manner ; it has been evaded ; and I am free to say that, to my mind, it is unanswerable. In what, sir, does consolidation consist ? In what does an interference with State rights consist ? In the concentration of power in the Federal Government. In taking power from the States, and assuming its exercise, or vesting it in the Federal Government. Are these effects produced by the plan of amendment proposed ? No, sir, the tendency is directly the reverse. By this plan you propose, not to take the power of electing the President from the States, and to vest it in the General Government, but, on the contrary, you propose to take the contingent power of electing the President and Vice President from Congress, and to give it to the People of the States. Are you producing consolidation, or interfering with State rights when you do not propose to accumulate more power to yourselves, but to divest yourselves of a part of the power which you possess, and to vest it in the People of the States ? Sir, when I speak of State rights, I mean, as I understand the Constitution to mean, not the rights of the Executives of the States, not the rights of Representatives in Congress from the States, not the rights of the Legislatures of the States, but I mean the rights of the People of the States. The Executives, and Legislatures, and Representatives in Congress, of the States, are the public servants and functionaries of the People of the States, and can have no rights contradistinguished from the rights of the People of the States.

Does the plan of amendment proposed, take from the large States any of their rights ? No ; on the contrary, it gives to the People of every portion of such States, the power of being heard and felt in the election. It takes from their servants in the Legislature ; it is true, the power of suppressing the voice of the minority in the State, by the operations of the general ticket system, or by the election of Electors by the Legislature ; but it gives the power which it thus takes from their servants, which may be, and is often abused, not to the Federal Government, but to the People of those States themselves. Does the plan of amendment take from the small States any of their rights ? No ; it is not conceived that the capricious, interested, or arbitrary opinion of a single member of Congress on this floor, when the election devolves upon the House, constitutes a *State right*, by which I mean the right of the *People of the State*. The vote of the State may be given by the Re-

representative in direct opposition to the *will* of the People of the State; and entertaining the opinion, as some profess to do, that the Representative, when the election comes here, is constituted an Elector, and an umpire by the Constitution, to act according to his own will, regardless of the wishes of his constituents; and, judging from past events, is it not most likely that the votes of the small States will generally depend upon the accidental opinion of the Representative? That opinion may, and often will, misrepresent the wishes of the People of the State, by giving the votes of the State against their will. This ideal and contingent right, then, supposed to be vested in the small States, is more in the name than in the substance. Does the proposed plan of amendment interfere with the two electoral votes in each State, predicated upon the federative character of the Senate, and the sovereignty of the State? Does it take from the States the power of prescribing the qualifications of voters in each State? No; nor does it disturb or interfere with any other of the rights reserved to the States. Another argument was used, sir, if argument it may be called, by the honorable member from Massachusetts, (Mr. EVERETT,) which struck my mind, on account of its novelty, with peculiar surprise. That honorable gentleman, with all his classical and political learning, in his zeal to oppose all amendment to the Constitution *at this time*, and search out all the possible reasons that could exist against it, insisted before the Committee, that any attempt to propose amendments to the Constitution was unconstitutional. Was the gentleman serious in this puerile conception? He told us we had taken an oath to support the Constitution, and can we, said he, propose to amend or alter it without violating that oath? And he amused us too, sir, in illustration of his views upon this part of the subject, with a hypothetical case, in which he figured to us, that if he should meet my honorable friend from South Carolina (Mr. McDUFFIE,) in the gallery of the House, and obtain his pledge to support, upon the floor, a favorite measure of his which was unconstitutional, would he, (Mr. McDUFFIE,) said the honorable gentleman, do so, if, on reflection, he found it to be unconstitutional? Sir, I will not press upon the consideration of the Committee this striking illustration, as the gentleman conceived it to be; it is perfectly within their recollection. Sir, does not that gentleman remember, that, in the 5th article of the Constitution it is expressly provided that "the Congress, whenever two-thirds of

both Houses shall deem it necessary, shall propose amendments to this Constitution." Have we not sworn to support this, as well as every other part of the Constitution? And if we deem it necessary to propose amendments, and do propose them, are we violating our oaths? If, on the contrary, we deem it necessary to propose amendments, and fail or omit to do so, are we not violating our oaths?

In the conclusion of the remarks made by the honorable member from New York, (Mr. STORRS,) to whom I have had frequent occasion to refer, he appealed to the committee in an emphatic and confident tone, to know if this was the propitious period to agitate this great question. This very discussion, said he, may produce mischief, unless the proposition is promptly voted down. I allude, sir, to the speech delivered upon the floor, and not to any other which may have made its appearance, and in which the gentleman may have been misunderstood or misrepresented. Sir, are we to be told at this day, that it is dangerous, or will produce mischief, for the Representatives of the People openly to discuss here great political questions in which the People are sensibly alive—in which they feel that their rights are withheld from them—and in which they feel much interest? I hope, sir, this discussion will go on, and that we may settle this great question; and that we may settle it to public satisfaction.

But we are admonished by those who are opposed to amendment, that we should be cautious in touching this charter of our liberties—the Constitution—lest, in attempting to amend it, we should make it worse. Sir, in the main, that valued instrument is without a parallel in the history of the world, and speaks its own eulogy; but it was made by men, and man and all his works are imperfect. The wise framers of that instrument well knew, that in forming a system of government under a written constitution, in many of its features, unlike any that had preceded it, in any age or in any country, that difficulties, then unforeseen by them, might occur in the future operations of the system. So sensible were they that it was not the work of inspiration, but of men, that it might be imperfect, and fail in some of its important operations, that they wisely incorporated into it the method of its own amendment. And I appeal to the history of those times, to know whether the Constitution would ever have been ratified by the States, if it had not been for this very article that made provision for its own amendments; if it had not been for the hope and confi-

dent expectation that future amendments would be made? In many of the States that did ratify it, declaratory amendments were recommended to be made a part of the Constitution. Virginia, Massachusetts, New York, South Carolina, and some others that did ratify it, at the time of ratification, proposed that amendments should be made. North Carolina, the State from which my honorable friend before me (Mr. SAUNDERS) comes, who has ably addressed the committee upon this subject, and the State of my nativity, was among the last to come into the Union. She, too, paused, and hesitated, and doubted, but was ultimately induced, by this very clause, to ratify it; and she, too, proposed amendments. And have not salutary amendments been made to the original Constitution, as reported by the Convention and ratified by the States? At the first Congress held under the Constitution, twelve additional articles were proposed to the States for ratification, in the manner prescribed by the Constitution. Ten of them were ratified by three-fourths of the States, and became a part of the Constitution, and now constitute your Bill of Rights, and secure to the citizen some of his most important privileges and rights. At the third Congress held under the Constitution, an additional article, in relation to the suability of States by the citizens of another State, or the subjects of a foreign State or Power, was submitted by the States for ratification, in the manner prescribed by the Constitution. It was subsequently ratified by three-fourths of the States, and became a part of the Constitution.

After the celebrated contest of 1801, between Mr. Jefferson and Aaron Burr, to which I have alluded, had demonstrated the defective provisions of the then Constitution, in relation to the election of President and Vice President, another amendment was proposed by Congress to the States for ratification, to avoid the recurrence of a similar difficulty. The amendment thus proposed was promptly ratified, and became a part of the Constitution. All these amendments have been made to the original Constitution as framed by the Convention. From that period to the present, no other amendment has been made; but as we have grown older in the knowledge of our government; as we have witnessed its practical operations, we have learned from experience its defects. And, Sir, though I reverence its framers, and thank my God that my destiny has been cast in a country, governed under the mild, free, and happy auspices of this Constitution; though I rejoice that I live in

a country where the trembling subject does not bow submissively at the throne of power, but in a country where all are equal; yet I cannot be blind to its defects; I cannot idolize it. I believe that it has wholly failed in this important particular—the election of a President; that an evil exists in this part of the system; and I believe that the plan of amendment proposed affords the remedy, and therefore, I have given it my feeble support.